

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2009
CC 3807/ 2009

(From the judgement and order dated 10/07 / 2 008 in CM W P No. 26460 / 2008 of
The H I G H C O U R T O F J U D I C A T U R E A T A L L A H A B A D)

STAT E O F U . P . Petitioner(s)

V E R S U S

D E V I D E E N Respondent(s)

With I.A. No.1 (C/delay in filing SL P)

Date: 02/04 / 2 009 This Petition was called on for hearing today.

C O R A M : H O N ' B L E M R . J U S T I C E R . V . R A V E E N D R A N
H O N ' B L E M R . J U S T I C E M A R K A N D E Y K A T J U

For Petitioner(s) Mr. Pramod Swarup, Adv.
Mr. Ameet Singh, Adv.
Mr. Chandra Pra kash Pandey, Adv.

For Respondent(s) Mr. Ashok Kumar Singh, Adv.
Mr. Naresh Kumar Gaur, Adv.
Mr. Surinder Dutt Sharma, Adv.
Ms. Yogmaya Agnihotri, Adv.
Mr. Sapan Meiti, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned. Leave granted. Mr. Ashok Kumar Singh,
appears for the respondent and waives notice.

This appeal is disposed of in terms of the signed order with a
request to the High Court to dispose of the pending writ petition and the
connected matters, which are all short cause matters, expeditiously.

(Ravi P. Verma)
Court Master

(Anand Singh)
Assistant Registrar

[Signed order is placed on the file]

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 2253 O F 2009

[Arising out of SL P(C)8772 / 2009 @ CC.NO.3807 OF 2009]

S T A T E O F U T T A R P R A D E S H

.....A P P E L L A N T (S)

V e r s u s

D E V I D E E N

.....R E S P O N D E N T (S)

O R D E R

Delay condoned.

Leave granted.

Mr. Ashok Kumar Singh,

appears for the respondent and waives notice.

2. The respondent claimed that he was appointed as beldar on 20.11.1984 and illegally terminated on 15.9.1999. According to appellant, the respondent was appointed on daily wages from time to time whenever exigencies of work needed and that he was not engaged after 30.7.1998. The Labour Court, by its award dated 16.2.2004, held that the termination was not valid and directed reinstatement with continuity of service and backwages from the date of reference (27.7.2000). The appellant challenged the said award.

3. In the meanwhile it could appear that recovery proceedings were initiated for recovering the backwages in

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the case of respondent and others and the District Magistrate had recovered certain amounts. In view of it, the High Court made an interim order in the writ petition, directing 50% of the backwages to be disbursed to the respondent (that is 25% without security and 25% against security) and remaining 50% be kept in fixed deposit. The High Court also directed reinstatement on the same terms and conditions on which the respondent was working prior to termination. Being aggrieved, the appellant has filed this appeal by special leave.

4. Having regard to the facts and circumstances, the interim direction that the respondent should be reinstated on the same terms and conditions on which he was working prior to termination, does not call for interference. However, the direction for disbursal of 50% of backwages to the respondent calls for interference, as the appellant will have no chance of recovery if it ultimately succeeds. The appropriate course is to direct the entire amount recovered towards backwages payable to respondent be kept in a fixed deposit in a Bank, in the joint names of the appellant and respondent to be disbursed in terms of the

final decision by the High Court.

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5. With the aforesaid modification, this appeal is disposed of with a request to the High Court to dispose of the pending writ petition and the connected matters, which are all short cause matters, expeditiously.

.....J.
(R.V. RA V E E N D R A N)

New Delhi;
April 02, 2009.

.....J.
(MA R K A N D E Y KATJU)